UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
44th meeting
held on
Thursday, 30 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mrs. ALVAREZ (Dominican Republic)
(Vice-Chairman)

later: Mr. RATA (New Zealand)
(Vice-Chairman)

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Distr. GENERAL
A/C.3/50/SR.44
29 December 1995

ORIGINAL: ENGLISH

95-82549 (E)

In the absence of Mr. Tshering (Bhutan), Mrs. Alvarez (Dominican Republic), Vice-Chairman, took the Chair.

The meeting was called to order at 11 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, A/50/76, A/50/83, A/50/130, A/50/131, A/50/138-S/1995/299, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, A/50/345, A/50/407, A/50/425-S/1995/787, A/50/437, A/50/475, A/50/483, A/50/523-S/1995/845, A/50/673, A/50/675-S/1995/884, A/50/689-S/1995/890, A/50/707 and A/50/758)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. VOLSKI (Georgia) said that his country's traditions and culture were a clear example of the peaceful coexistence of different ethnic groups and religions and that the current obstacle to ensuring fundamental human rights was the grave economic and social situation. The assistance provided to Georgia by United Nations humanitarian institutions and donor countries had been extremely valuable and had helped it to adopt a new constitution and hold parliamentary and presidential elections. There were good prospects for the country's economic recovery and his Government was pursuing a policy aimed at improving living conditions and promoting respect for human rights

2. Unfortunately, the democratic transformation of States was being impeded by aggressive separatism. The conflict in Abkhazia had been politically motivated, but the consequences of the genocide perpetrated against the population of that region placed a heavy moral and material burden on the entire population of Georgia. Drastic measures were needed to restore the rule of law and halt the bloodshed and blind hatred that were already assuming dangerous proportions.

3. It was in the vital interest of every State to preserve peace and stability and to ensure respect for human rights throughout the world. Every peace-keeping operation should have a clear mandate which reflected its ultimate goal, namely, respect for human rights. The establishment of an international criminal court must be based on the same principles. Through education and the promotion of tolerance, the international community could inspire in all human beings the hope of a better life.

4. Mr. NAJEM (Lebanon) said that Israel was responsible for flagrant and persistent violations of human rights in the occupied territories of southern Lebanon, the western Bekaa and surrounding areas. It had subjected the population to all kinds of torture and ill-treatment, pursuing policies which ran completely counter to the principles of the Geneva Conventions and international human rights law. In contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, civilians were being held in prison camps without charge or trial, living in conditions which did not meet even the most basic requirements of humanitarian treatment for prisoners. Israel routinely banished Palestinians to Lebanon, in violation of Lebanese sovereignty and international law, and forced numerous families out of their villages into areas beyond the occupied territories. Many innocent people had been killed and property destroyed in air raids against civilian targets and nightly attacks on villages. In one recent incident, three children from the same family had been killed. In the past two weeks alone, Israel had launched 6,000 mortar shells against targets in southern Lebanon.

5. By failing to comply with Security Council resolution 450 (1978), calling for its immediate, total and unconditional withdrawal from all Lebanese territories, Israel had ensured that violations of human rights in Lebanon would persist and intensify. International support was needed to put an end to that situation.

6. Mr. Rata (New Zealand), Vice-Chairman, took the Chair.

7. Mr. VASSYLENKO (Ukraine) said that following the end of the cold war and the collapse of communism, the United Nations should increase its role in enhancing international cooperation for the promotion and protection of human rights and fundamental freedoms. In that regard, his delegation commended the work done by the High Commissioner for Human Rights, as described in his report (A/50/36). The High Commissioner's coordinating functions should be extended, especially by establishing a capacity to prepare and follow up the substantive and administrative aspects of human rights monitoring and preventive activities.

8. His delegation associated itself with the general appeal to States that had not yet done so to ratify or accede to the various human rights instruments and to those that had done so to take immediate steps to revise or lift their

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reservations thereto. He drew attention to the recommendation of the World Conference on Human Rights on incorporating international human rights standards into domestic legislation. The treaty monitoring bodies had an important role to play within the system of human rights protection and his Government welcomed the process of improving their methods of work, as well as their more active involvement in field missions. It also urged all States to consider carefully the recommendation in the Vienna Declaration and Programme of Action concerning the possibility of accepting all available optional communication procedures.

9. Ukraine was a party to all the major international human rights instruments and was doing its best to implement them. In order to lend new impetus to efforts to ensure a pluralist democracy, respect for human rights and the rule of law, Ukraine had recently become a full-fledged member of the Council of Europe. That development was an acknowledgement of the profound transformation wrought in its political and social life through peaceful democratic means and within a fairly limited period of time. Nevertheless, his Government was fully aware of the need to further improve its State institutions and its legislation. Every effort was being made to adopt a new constitution. In the meantime, a political compromise had been reached between the President and Parliament and a constitutional agreement replacing the old constitution had been signed on 8 June 1995 and would remain in force until a new constitution was adopted within the year. The Parliament and the Government were working to narrow the gap between national legislation and international human rights standards. Systematic work had already begun on reforming the legal and judicial system, in particular by changing the role and functions of the prosecutor's office to meet Council of Europe standards and by ensuring the independence of the judiciary. A series of legal instruments pertaining to human rights was under deliberation. In particular, a new criminal code and a new law on elections and political parties would be enacted shortly.

10. A number of encouraging international developments had taken place since the World Conference on Human Rights. However, despite the Organization's efforts, reports of flagrant human rights violations continued. The situations in the former Yugoslavia, Rwanda, Burundi and elsewhere were among the most serious concerns of the international community. He hoped that diplomatic efforts would help to put an end to human rights violations and prevent a further aggravation of ethnic tensions in those countries.

11. His delegation felt strongly that not only should serious and gross violations of international human rights standards be condemned by the international community, but those responsible for such violations should be prosecuted in accordance with the relevant norms of international and domestic law. His Government had already expressed its support for the International Tribunals for the former Yugoslavia and Rwanda and hoped that their activities would lead to the creation of a comprehensive system for the punishment of individuals found guilty of gross violation of human rights.

12. Preventive diplomacy should address not only political and economic problems but also human rights issues. While mechanisms had been established for dealing with human rights violations after the fact, preventive measures were still based on earlier practices rather than on meeting new challenges. As a result, the United Nations was often ill-equipped to deal with the human

rights aspects of armed conflicts because it lacked the resources to have an effective impact. The Secretary-General should bring cases of massive human rights violations to the attention of the Security Council as potential threats to international peace and security. The United Nations had yet to exhaust all available means for the international protection and promotion of human rights. His Government was ready to consider new ways of preventing the most serious human rights violations and to join in appropriate international action to that end.

13. Mr. RODRIGUEZ PARRILLA (Cuba) said that agenda item 112 (c) was the most contradictory and paradoxical one before the Third Committee. The special procedure of appointing a Special Rapporteur on the situation of human rights in Cuba was not only unjustified but also discriminatory, illegitimate and unjust. Cuba had had an exemplary record in the area of human rights throughout the almost 36 years since its revolution. It had never been possible to accuse Cuba of resorting to torture, political assassination or forced disappearances. Cuba's only "sin" was to have established one of the most comprehensive and efficient health systems in the third world and to have eradicated illiteracy, reduced infant mortality and increased life expectancy in an atmosphere of freedom, individual dignity and justice.

14. In the midst of a difficult economic situation that had been exacerbated by the economic war unilaterally imposed on it by the United States of America, his Government had embarked on an orderly process of change and on measures to perfect its society and make the economy more efficient. Tourism had increased, new branches of production had been developed, measures had been taken to restore the balance in domestic finances, self-employment and cooperatives had been encouraged, the economy had been opened to foreign capital and State structures and corporations had been overhauled. There had been continuing progress in the normalization of relations between Cuba and Cuban émigrés, regardless of where they lived and despite the obstacles created by ultra-conservative groups in the United States and by the Government of that country, which had imposed unfair restrictions on visits by Cubans in both directions, as well as on the right of any United States resident to send economic assistance to relatives in Cuba.

15. Efforts to perfect Cuba's political system and the rule of law had included the strengthening of constitutional rights and the enactment of a new election law providing for free, direct and secret parliamentary elections for the direct, popular nomination of candidates, without any need for political affiliation or party membership.

16. Cuba had been subjected to an economic, financial and commercial blockade in an attempt to starve its people into submission. That in itself was the most absolute denial of fundamental human rights. The human rights campaign against Cuba had been devised to legitimize the unjustifiable economic and political aggression launched by the United States Government against the Cuban nation. As members of the Committee had surely realized, the report of the so-called Special Rapporteur did not and could not reflect a situation of human rights violations, since such violations did not exist. To be objective, a report such as the one currently before the Committee would have to refer openly and honestly to the causes of the problem and to those responsible for it. The

report violated the principles enshrined in the Charter of the United Nations, in that it systematically questioned the political, economic and social system chosen by the Cuban people in an exercise of sovereign self-determination. Accordingly, his Government rejected and would continue to reject a selective, discriminatory exercise which had nothing to do with human rights but much to do with the political interests of a major Power. His Government would, however, maintain its cooperation with the various universal human rights mechanisms, including the High Commissioner for Human Rights.

17. Mr. VILCHEZ ASHER (Nicaragua) noted with satisfaction the number of States that had ratified the International Covenants on Human Rights and stressed the importance of universal ratification. In that connection, his country welcomed the regional meetings to be held with Government representatives in Africa to promote universal ratification. The protection of human rights was one of the cornerstones of peace, just as peace, freedom, democracy and development were essential for the full enjoyment of human rights.

18. In June 1995, his country's Constitution had been amended to ensure the continuity of the democratic process and guarantee freedom and protection for citizens and their interests. Articles of the Constitution dealing with individual rights and duties, national defence, the economy, the agrarian reform, public finance, education and culture and the structure of the State had been amended. The main objective was to establish institutions for settling political conflicts without violence and to ensure respect for the rights of political minorities. The armed forces had been restructured and brought under civilian authority and civilians could no longer be tried by military courts.

19. Under the restructuring of the State, free education and health care had been guaranteed. The National Assembly was currently considering a preliminary bill establishing the office of a national counsel for human rights, who would independently monitor State policy and practice and act as mediator between the general public and the State. The Government was also working hard to solve the problem of property disputes. Much of the property that had earlier been confiscated by the State had been returned to its lawful owners. The constitutional provisions relating to property ownership had been strengthened and the National Assembly had recently adopted a new law which it was hoped would solve the problem once and for all.

20. In August 1995, Nicaragua had enacted legislation on compulsory human rights education in schools and military and police training centres. The National Autonomous University of Nicaragua had set up a human rights professorship as a tool for educating students and the general public about human rights.

21. The implementation of the Declaration on the Right to Development could help to build a more just and more humane world in which everyone would be guaranteed the full enjoyment of all human rights. According to the report of the High Commissioner on Human Rights (A/50/36), the strategy to be designed in that regard would include the conclusions and recommendations of the Working Group on the Right to Development and a definition of the necessary international measures for promoting that right. His delegation hoped that the General Assembly would approve the budget proposed by the High Commissioner for

Human Rights to enable the Centre for Human Rights to carry out its new initiatives.

22. Ms. SMIT (Slovenia) said that her country was a party to all the major international human rights instruments, which had been incorporated into its domestic law. States should preserve the coherence of the international legal order and avoid entering reservations to international treaties. Reservations which were contrary to the purpose of such treaties were inadmissible. A way should be found to encourage States that had entered reservations to review them periodically with a view to their possible withdrawal. That would pave the way for the effective implementation of international treaties, including human rights instruments.

23. Slovenia noted with satisfaction the report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/50/514) and agreed with the view expressed in paragraph 27 that strategies that increased economic inequalities, especially if they coincided with ethnic divisions, marginalized certain groups and exacerbated ethnic discrimination and tension. Cooperation between the United Nations and regional organizations was necessary to promote the Declaration. The Council of Europe was currently drawing up a comprehensive programme for combating all forms of racism and xenophobia and had begun work on an additional protocol to the European Convention on Human Rights guaranteeing equal rights for men and women.

24. Slovenia generally supported optional protocols which gave individuals access to treaty-monitoring bodies in cases of human rights violations and it therefore supported the proposals for an additional protocol to the Convention on the Elimination of All Forms of Discrimination against Women which would provide for the right of individual and collective appeal. She hoped that the Commission on the Status of Women, at its next session, would consider the views of Governments and the suggestions of the Committee on the Elimination of Discrimination against Women on an optional protocol. Treaty-monitoring bodies must be able to cope with their workloads and their working methods should be coordinated to enable Governments to fulfil their reporting obligations in a consolidated manner. Lastly, with regard to the issue of capital punishment, her delegation believed that the Second Optional Protocol to the International Covenant on Civil and Political Rights provided an appropriate tool for achieving widespread abolition of the death penalty. States parties could consider their specific situations and decide to accede to the Protocol at the appropriate time.

25. Mr. SHATTUCK (United States of America) reiterated the full support of the United States for the High Commissioner for Human Rights and for his vital work of inter-agency coordination on human rights issues. In addition to restructuring the Centre for Human Rights, the High Commissioner had done pioneering work through his field operation in Rwanda, which was contributing to stability and the rebuilding of civil society. The prospect of the withdrawal of the United Nations Assistance Mission in Rwanda (UNAMIR) was cause for concern, as it could undermine the vital human rights operation. Some safeguards must be provided in Rwanda, either by redefining and extending UNAMIR or by making alternative arrangements. Lastly, existing resources within the

regular budget should be redeployed to support the High Commissioner in the follow-up to the Vienna Conference.

26. The Balkan war had confronted the international community with some of its greatest challenges in the fields of human rights and accountability, teaching the world that it must find new ways of bringing societies out of ethnic conflict and atrocity, while continuing to respond to the familiar challenges of human rights violations perpetrated by repressive Governments, such as the recent execution of Ken Saro-Wiwa in Nigeria.

27. Persons responsible for genocide and crimes against humanity must be held to account in order for a lasting peace to be possible. To that end, the Dayton agreement, which guaranteed an extremely broad range of human rights and fundamental freedoms, required all parties to cooperate with the International Tribunal for the former Yugoslavia. The High Commissioner would play an important role, in close coordination with organizations such as the Organization for Security And Cooperation in Europe (OSCE) in implementing the agreement, which provided for the deployment of international human rights monitors to ensure protection of the human rights of all Bosnian citizens.

28. The Balkan conflict had underlined the importance of accountable government and respect for human rights and the rule of law. Those elements should be incorporated into the fabric of diplomacy and in efforts to resolve serious conflicts.

29. Mrs. KABA (Côte d'Ivoire) said that the right to development had two dimensions: domestic and international. The State had an obligation to improve its citizens' living standards through equal access to health, education, shelter and food, while rich countries had an obligation to share global resources fairly in order to promote the development of the least developed countries.

30. The right to development had been universally recognized in General Assembly resolution 41/128 and reaffirmed at Vienna. It should not be seen as any less important than civil and political rights. Development and peace were mutually dependent and reinforcing: economic crisis, famine and poverty could cause social conflicts which resulted in the violation of other human rights. A global approach to all human rights was needed. It was noticeable that those who were often ready to condemn violations of political rights were not so ready to provide official development assistance (ODA). For some countries, strategic interests took precedence over international obligations when it came to reducing misery and poverty in the world. Death caused by famine appeared natural and nobody objected, but an execution was considered a human rights violation. However, someone who died of starvation in the midst of total indifference was no less a victim of a human rights violation. Human rights should be defended on all fronts, and her delegation felt that true defence of human rights lay in allocating 0.7 per cent of GNP as ODA, as decided by the United Nations several decades earlier.

31. Her delegation was concerned about the system used to elect members of the human rights treaty bodies. There had been a steady decline in the representation of the African countries in those bodies. The principle of

equitable geographical representation should be respected and the voting system used for filling vacancies in the principal organs of the United Nations should be applied. Countries must be involved more fully in order to feel that human rights issues concerned them. If the current trend was not reversed, it was likely that underrepresented regions would lose interest in the treaty bodies that were so important for the promotion and protection of human rights.

AGENDA ITEM 107: ADVANCEMENT OF WOMEN (continued) (A/C.3/50/L.22 and L.23)

Draft resolution A/C.3/50/L.22

32. The CHAIRMAN said that draft resolution A/C.3/50/L.22, entitled "International Research and Training Institute for the Advancement of Women", had no programme budget implications. He had just received a request to delay action on the draft resolution pending agreement on textual amendments.

33. Mrs. ALVAREZ (Dominican Republic), supported by Mr. TELLES RIBEIRO (Brazil), Mr. MUTHAURA (Kenya), Mr. ROSNES (Norway), Ms. DE MIRANDA (Suriname) and Mrs. CHIGAGA (Zambia), expressed concern at the lateness of the request for a delay and said that her delegation could agree to the request only on condition that action was taken on the draft resolution by the Committee's 46th meeting at the latest.

Draft resolution A/C.3/50/L.23

34. Ms. WONG (Australia), introducing draft resolution A/C.3/50/L.23, entitled "Advancement of women", said that El Salvador, Greece, Guyana, Luxembourg, Mali, Peru, South Africa, the United Kingdom and Viet Nam had become sponsors. In the final preambular paragraph, the word "was" had been replaced by "is"; in paragraph 6, a comma had been inserted after the words "such issues as spouse employment", and the words "taking into account the promotion of integrated reporting" had been added at the end of paragraph 12.

35. The CHAIRMAN announced that Angola, Botswana, Cambodia, Colombia, Indonesia, Jordan, Lesotho, Micronesia, Nepal, the Philippines and Tanzania had also become sponsors of the draft resolution.

36. Draft resolution A/C.3/50/L.23, as orally revised, was adopted without a vote.

The meeting rose at 12.40 p.m.